

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

TYQUAN STEWART,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CAUSE NO.: 1:18-CV-75-TLS
	)	
PARKCENTER BEHAVIORAL	)	
HEALTH, INC., and SHARON	)	
ALTHOLZ,	)	
	)	
Defendants.	)	

**OPINION AND ORDER**

Tyquan Stewart, a Plaintiff proceeding pro se, filed a Complaint [ECF No. 1] on March 29, 2018, against Defendants Parkcenter Behavioral Health and Sharon Altholz. He contemporaneously filed a Motion for Leave to Proceed in forma pauperis [ECF No. 2]. The Court denied his Motion and dismissed his Complaint, with leave to refile, on April 3, 2018, for lack of federal jurisdiction [ECF No. 3]. The Plaintiff filed a second Motion for Leave to Proceed in forma pauperis [ECF No. 5] and an Amended Complaint [ECF No. 4] on April 9, 2018. The Plaintiff added new claims in the Amended Complaint and also added the Plaintiff's seven children as additional plaintiffs.

A pro se party cannot represent other parties in federal court. *Nocula v. UGS Corp.*, 520 F.3d 719, 725 (7th Cir. 2008) (citing 28 U.S.C. § 1654). Further, parents can sue on behalf of their minor children only in certain circumstances. *See Bullock v. Dioguardi*, 847 F. Supp. 553, 560 (N.D. Ill. 1993) ("A parent may sue on behalf of his or her minor child as a next of friend if the parent is represented by counsel and has no interests that conflict with those of the child."). Here, the Plaintiff is proceeding pro se, and thus cannot represent the children. Additionally, the

Plaintiff has not indicated the age of the children, or whether he has the legal capacity to sue on behalf of the children. *See* Fed. R. Civ. P. 17(b). As such, the Plaintiff's inclusion of the children in the Amended Complaint is improper.

The Court notes, however, that the Plaintiff appears to have sufficiently alleged two federal claims and additional state law claims against the Defendants. He may file a second amended complaint naming only himself as a Plaintiff, as well as a new motion for leave to proceed in forma pauperis, to maintain the action. If the children wish to join in this action, they will have to do in accordance with the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 17(b), 24.

### **CONCLUSION**

For the foregoing reasons, the Court:

- (1) DENIES the Plaintiff's Motion for Leave to Proceed in forma pauperis [ECF No. 5];
- (2) DISMISSES WITHOUT PREJUDICE the Amended Complaint [ECF No. 4];
- (3) GRANTS the Plaintiff until May 18, 2018, to file a second amended complaint, accompanied by a new Petition to Proceed Without Prepayment of Fees and Costs *or* the filing fee; and
- (4) CAUTIONS the Plaintiff that if he does not respond by the above deadline, this case will be dismissed without further notice.

SO ORDERED on April 17, 2018.

s/ Theresa L. Springmann  
CHIEF JUDGE THERESA L. SPRINGMANN  
UNITED STATES DISTRICT COURT